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Attorneys for Defendant and Counterclaimant
Howard M. Kingston

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

METARA, INC., a Delaware Corporation,

Plaintiff and Counterdefendant,

v.

HOWARD M. KINGSTON, an individual,

Defendant and Counterclaimant.

CASE NO. C03 04594 HRL

**STIPULATION AND [PROPOSED] ORDER
EXTENDING DEADLINE TO FINALIZE
SETTLEMENT AGREEMENT**

AND RELATED CROSS-ACTION.

Stipulation and [Proposed] Order Extending Deadline To Finalize Settlement Agreement

Metara v. Kingston

Case No. C03 04594 HRL

1 Plaintiff and Counterdefendant Metara, Inc. and Defendant and Counterclaimant Howard M.
2 Kingston (collectively "the Parties"), by and through their respective counsel of record, do hereby
3 agree and stipulate as follows:

4 WHEREAS this Court's September 7, 2005 Order of Dismissal set October 7, 2005 as the
5 deadline for the Parties to finalize a settlement agreement;

6 WHEREAS the Parties appeared before this Court for a Status Conference on October 7,
7 2005 and were granted a seven day extension, up to and including October 14, 2005, to finalize a
8 settlement agreement; and

9 WHEREAS the Parties are still in the process of finalizing a settlement agreement.

10 THEREFORE, the Parties stipulate to a further seven day extension of the Order of
11 Dismissal, up to and including October 21, 2005, for the purpose of finalizing the settlement
12 agreement.

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14 Dated: October 13, 2005

HOLME ROBERTS & OWEN LLP

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17 By: /s/ Meryl Macklin
18 Meryl Macklin
19 Attorneys for Defendant and Counterclaimant

20 Dated: October 13, 2005

MACPHERSON KWOK CHEN & HEID LLP

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23 By: /s/ Jennifer Lantz
24 Jennifer Lantz
25 Attorneys for Plaintiff and Counterdefendant
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1 AS STIPULATED, IT IS SO ORDERED.

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3 Dated: October 14, 2005

Jeremy Fogel /s/electronic signature authorized
United States District Judge